

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WENDELL M. ARMSTEAD, JR.,

Petitioner,

v.

SCOTT SPEER,

Respondent.

Case No. 2:25-cv-00226-RSM-TLF

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed petitioner's petition for writ of habeas corpus, the Report and Recommendation of Theresa L. Fricke, United States Magistrate Judge, and the remaining record, hereby finds and ORDERS:

(1) The Report and Recommendation is approved and adopted.

(2) Petitioner's petition for writ of habeas corpus (Dkt. 1-2) and this action are DISMISSED pursuant to 28 U.S.C. § 2244(a), as the petition constitutes an unauthorized second or successive petition and this Court therefore lacks jurisdiction to consider it.

(3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is DENIED.

(4) Petitioner's application to proceed *in forma pauperis* (Dkt. 1), "request for certification" (Dkt. 1-2) and proposed "motion for preliminary leave to proceed pending IFP determination" (Dkt. 4) are DENIED as moot.

1 (5) The Clerk is directed to send copies of this order to petitioner and to the Honorable
2 Theresa L. Fricke.

3 Dated this 9th day of May, 2025.
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7 RICARDO S. MARTINEZ
8 UNITED STATES DISTRICT JUDGE
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